



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARRINGTON & SMITH, PC
4 RESEARCH DRIVE, Suite 202
SHELTON CT 06484-6212

In re Application of:
HASHIZUME, KENICHI et al
Serial No. 10/603,913
Filed: June 24, 2003
Docket No. 852.0029.U1(US)

Title: PROCESS FOR MANUFACTURING A
COVER

1/30/09

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is responsive to the petitions filed on January 14, 2009 by which petitioners request supervisory review of the election of species requirement of between Species I, claims 1-20 and 34 and Species II, 33 and 35 rendered in the Office action of July 17, 2008, traversed by the applicant on August 12, 2008 and finalized by the examiner in the Office action of November 17, 2008. The petition is considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **dismissed as moot**.

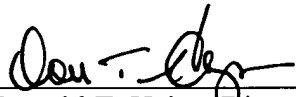
In his January 14, 2009 petition, the petitioner requests the examiner to withdraw the election of species requirement issued on July 17, 2008 regarding two patentable distinct species I and II. The examiner stated that Species 1 contains claims 1-20 and 34 which are drawn to the integral electrical connector structure configured to removably receive at least a portion of a mating connecting member of the electronic component therein and Species 2 contains claims 33 and 35 which are drawn to the opening forms an electrical connector receiving area wherein the electrical connector receiving area configured to receive at least a portion of a connecting member of the electronic component therein. The examiner also stated that the species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

In view of the fact that the applicant in his amendment of January 15, 2009 has substantively amended the original withdrawn claims 33 and 35, the original election of species requirement of July 17, 2008 is no longer applicable. The scope of withdrawn claims 33 and 35 has been substantive changed. The applicant has effectively cancelled the original claims 33 and 35 of April 9, 2008 under the election of species requirement. Therefore, there is no restriction requirement applicable to the newly amended claims 33 and 35. However, under the

circumstances, the entire amendment as filed on January 15, 2009 will be treated as Rule 116 amendment. A response to the Rule 116 amendment of January 15, 2009, including previously withdrawn and now amended claims 33 and 35, will be issued in due course.

The application is being forwarded to Supervisory Patent Examiner of Art Unit 3726 for further consideration of the Rule 116 amendment of January 15, 2009. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

Accordingly, this petition is dismissed as moot.



Donald T. Hajec, Director
Technology Center 3700